

# **Office of Massachusetts Attorney General**

**Maura Healey**



## **Local Consumer Program Grant Standards and Responsibilities**

**Grant Year July 2018 – June 2019**

## Requirements

1. Use of Funds: Local Consumer Program (LCP) grant funds shall only be used for expenses involved with the intake, resolution, administration of consumer complaints and outreach concerning consumer topics.
  - No funding shall be used for expenses outside of the Commonwealth, including but not limited to conference/convention fees, travel, or lodging.
2. Each LCP will provide service to the designated geographic area as specified in the Scope of Services.
3. Pursuant to [M.G.L. c. 12, §8\(F\)\(J\)](#), all charitable organizations (except those organized exclusively for religious purposes) which are eligible for tax exempt status under 26 U.S.C. §501(c)(3) must register, file annual financial reports, and be up to date with all reporting requirements of the Non-Profit Organization/Public Charities Division of the Attorney General's Office (AGO) in order to be eligible to receive grant funding from the AGO.
4. It is the duty of all LCPs to immediately notify the AGO if the organization is the subject of any investigation, complaint, or lawsuit by any federal, state, or local law enforcement or regulatory agency.
5. Unemployment Insurance: The AGO requires that LCPs choose the "contributory" rather than the "reimbursable" method of financing unemployment benefits as allowed under the Employment Security Law (M.G.L. c. [151A, §14A](#)). LCP grant monies may be used for the quarterly contributions to the unemployment insurance fund. However, under no circumstances can LCP grant monies be used to pay unemployment benefits or for severance agreements.
6. As a condition of the grant award, each LCP agrees that representatives of the AGO at any time may review the financials, print and electronic records, and/or filing system of the LCP to ensure compliance with the terms of the grant award. Such inspection, review, and/or audit by representatives of the AGO may occur at any time, with or without notice to the LCP.
7. Failure to comply with any portion of the Scope of Services and Standards and Responsibilities may result in:
  - Forfeiture of grant monies not yet disbursed and/or reimbursement of previous monies awarded; or
  - Suspension or termination of grant program.

## Relationship to the AGO

1. Any time reference is made to the LCP's affiliation with the AGO (in writing or verbally), LCPs must use the statement "working in cooperation with the Massachusetts Attorney General's Office."
2. The LCP agrees to identify the AGO as a funding source for the consumer assistance program in any printed or electronic materials.
3. The LCP's point of contact in the AGO regarding grant administration Elizabeth Murdock, Outreach Coordinator of the AGO's Consumer Advocacy & Response Division, (617) 963-2479 or [LCP@state.ma.us](mailto:LCP@state.ma.us).
4. The LCP's point of contact in the AGO regarding day-to-day operations and case questions is Elizabeth Murdock, AGO's Outreach Coordinator of the Consumer Advocacy & Response Division, (617) 963-2479 or [LCP@state.ma.us](mailto:LCP@state.ma.us).

## Minimum Standards of Performance

1. Each LCP is responsible for providing a minimum of 30 hours per week of operations. Operations may include but are not limited to case work and outreach events. Additionally, each LCP must have an answering machine or voicemail system to receive calls outside of regular hours of business. When a call cannot be answered during business hours, calls must be routed to an answering machine or voicemail system.
2. Each LCP is expected to generate approximately 15% of its case load locally and not by AGO referral.
3. No LCP may close for **two (2)** or more consecutive business days without advance written notice to and approval from the AGO.
4. Office Closings.
  - Non-emergency office closings. Notice of all routine office closings must be submitted to Elizabeth Murdock (CARD) at [LCP@state.ma.us](mailto:LCP@state.ma.us) at least **fourteen (14)** days in advance.
    - Routine closings for which notice must be provided include but are not limited to: scheduled vacations, office holidays (outside of Federal holidays) and events, and planned outreach and trainings.
    - In the event of an office closing, the office's voicemail must indicate that the office is closed, when the office will reopen, and a number for immediate assistance.

- Unanticipated or emergency office closings. In the event of an unanticipated closure, i.e., storm closure, LCPs should utilize best judgment as to whether the office will be open. If a decision is made to close, the LCP should send a notification to Elizabeth Murdock (CARD) at [LCP@state.ma.us](mailto:LCP@state.ma.us) as soon as the decision is made.
5. At least one representative from the LCP must attend the regularly scheduled in-person and/or telephone conference calls scheduled by the AGO.
  6. Each LCP agrees to accept for its service area consumer advocacy referrals from the AGO and complaints filed directly with its office regardless of the location of the parties. These complaints should be worked or referred to another agency as appropriate, with consideration being given to the consumer's request regarding the geographic location.
  7. **Data Security** - Each LCP shall develop, implement, maintain, and monitor a Written Information Security Program (WISP) designed to safeguard the personal information of residents of the Commonwealth contained in the records of the complaints and referrals. This WISP must be at least as protective as the Attorney General's in accordance with M.G.L. c. 93H and 940 CMR 27.00.

## Education and Outreach

1. LCPs are required to organize at least six (6) education, training, or outreach activities in their communities with the funds they receive from the LCP per grant year.
  - LCPs may not charge any fee for the activities.
  - Activities must be available to the public.
    - Participation in events with other community organizations that are targeting a specific population or area, qualify if those events are open to the public and if the LCP plays a substantial role in the organization and execution of the event.
    - Events may be scheduled in schools or similar establishments. The AGO acknowledges that events held in these locations may not necessarily be open to the public.
  - Attendance at AGO trainings or meetings does not count towards the LCP outreach requirement of six activities per year.
  - Attendance at AGO hosted events does not count towards the LCP outreach requirement of six activities per year.
2. In the outreach or education efforts, LCPs may only discuss the process of consumer advocacy and general consumer related topics. Under no circumstances are the LCP staff members to discuss specific details pertaining to advocacy cases, companies, or consumers.

3. LCPs are also invited to partner with the Consumer Advocacy & Response Division (CARD) at any of its scheduled outreach events. (These will **NOT** count toward the LCP outreach requirement of six activities per year.)
4. Any outreach materials being utilized by the LCPs must be pre-approved by CARD staff. Please allow at least two weeks for the review and approval process.

### **Press Inquiries**

1. LCPs should refer all inquiries from the press related to information concerning consumer complaints and/or practices of a business to AGO press office. The press staff may direct the media to the LCPs as appropriate, but will first notify the LCP director and will discuss the nature of the request and the type of information he/she is at liberty to discuss.
2. LCP Directors may not talk to the media about complaint-related information until they have received clearance from the AGO press office or other Attorney General staff. The AGO's Press Office can be reached at 617-727-2543.
3. Upon approval from the AGO's Press Office, the LCP may discuss generally with the press the type of service it provides and the kinds of complaints the program typically handles.
4. In any press contact, the LCP should mention that it is a recipient of a Local Consumer Aid Fund grant and that it works in cooperation with the AGO.
5. If an LCP has a regularly scheduled appearance on or in the local media, the AGO shall be notified as soon as each occurrence is scheduled and the topic to be discussed. A prescheduled list of occurrences, topics and dates is also acceptable.

### **Public Records Requests/Records Retention**

Maintenance and disclosure of records made pursuant to this grant award will be done in compliance with the provisions of the Massachusetts Public Records Law (PRL) and the Massachusetts Statewide Record Retention Schedule (SRRS).

- A record is defined as any document or data, whether in electronic or paper format. For your purposes, "records" include complaints, correspondence, emails, memos, notes, and other materials that are included in or related to a consumer case file.
1. Public Records Law
    - By accepting grant funds, each LCP agrees to cooperate with the AGO in complying with the PRL and responding to public records requests.
    - The PRL requires a response to written requests. These requests include those made by regular mail, e-mail, facsimile, or in-person.

- All public records requests will be reviewed and responded to by the AGO in compliance with the PRL.
- Under the PRL, requests for inspection or copying of records must be responded to in a timely manner.
- Regardless of whether the request is made to the LCP or to the AGO, the AGO must respond within ten (10) business days of the initial receipt of the request.
- Business Day is defined as Monday through Friday. Business day does not include Saturdays, Sundays, Legal Holidays, or other weekdays where the AGO's Office is closed unexpectedly.

## 2. Public Records Requests Made Directly to the LCP

- Oral Requests for Records:
  - The PRL does not require a response to oral requests.
  - Each LCP should ask that all requests be put in writing and directed to the Office of the Attorney General, Records Access Officer.
  - LCPs may not, under any circumstances, accept an oral request for LCP Grant Program records.
  - This website provides guidance as well as detailed instructions for the public: <https://www.mass.gov/public-records-requests-for-the-office-of-the-attorney-general>
- Written Requests for Records:
  - Written requests for records or other information received by or relative to any of the LCP's work as it pertains to consumer assistance must be forwarded to Tyler Paslaski ([Tyler.Paslaski@MassMail.State.MA.US](mailto:Tyler.Paslaski@MassMail.State.MA.US)) and [LCP@state.ma.us](mailto:LCP@state.ma.us)) on the same business day of receipt by the LCP.
  - Failure to forward written requests on the same day they are received may result in termination of funding and participation in the grant program.
  - The AGO will review and respond to these written requests in compliance with the PRL.

## 3. Public Records Requests Made Directly to CARD:

- The CARD Public Records Officers will contact relevant LCPs for information.
- LCP s must provide the information requested by the AGO so that a response can be made in a timely manner in compliance with the PRL.

## 4. Requests for the Number of Complaints Filed Against a Business:

- An oral request made over the telephone or in person for the number of complaints filed against a business is not considered a public records request and does not need to be in writing.
- If the LCP is asked for the number of complaints filed against a particular business, the LCP should refer the caller to the AGO Consumer Hotline at 617-727-8400.

## 5. Records Retention

- By accepting grant funds, each LCP agrees to maintain its consumer case files according to the SRRS and cooperate with the AGO in complying with records retention requirements.
- All consumer case files (paper or electronic) shall be retained and accessible for six (6) years.
- Requests to destroy files older than 6 years must be made in writing (email is acceptable) to the AGO for submission to the Records Conservation Board for destruction permission. Records may not be destroyed until the AGO confirms in writing that such permission has been granted.
- Because consumer case files may contain personal information, *e.g.* social security or credit card numbers, all records must be destroyed by shredding in accordance with M.G.L. c. 93I, §2.

## **Reporting Requirements**

The Grant Cycle for 2018-2019 begins on July 1, 2018 and ends on June 30, 2019. For Program Specific Reporting Requirements, please review the LCP Minimum Standards of Performance as well as any specific additional performance metric agreed to as part of the grant review process.

### *On a Quarterly Basis*

1. **All quarterly reports must be submitted electronically to CARD staff at [LCP@state.ma.us](mailto:LCP@state.ma.us).**
2. LCPs must submit the financial and programmatic reporting forms by: October 15, 2018, January 15, 2019, April 15, 2019 and July 15, 2019.

Documentation (such as vouchers, pay stubs, receipts or copies of receipts) should not be attached to a financial reporting form, but must be made available to the AGO upon request.

### *On a Bi-Weekly Basis*

1. LCPs must submit their individual closed case reports every other Friday, beginning on July 6, 2018, to CARD staff at [LCP@state.ma.us](mailto:LCP@state.ma.us). LCPs are free to send them as frequently as they like but in no circumstances should it take more than two weeks to send a closed case report to the AGO.
2. LCPs will receive training on how to submit closed case reports at the first in person meeting of the grant cycle.

## **Technology Standards**

1. Each LCP must have a functioning computer with internet access, Microsoft Office Suite (specifically, Word and Excel), Adobe Acrobat, a printer, and access to a scanner.

2. The LCP computer must have Antivirus and Firewall programs installed and updated regularly.
3. Each LCP must have a valid email address for communications with the AGO.

### **Legal Representation**

By law, the AGO does not provide legal representation to LCP, volunteers and/or paid staff of LCP who are sued, subpoenaed, or deposed with respect to consumer advocacy cases handled pursuant to these awards.

### **Disbursement of Funds to a Grantee**

Disbursements of grant award funding will be made on a **quarterly basis**, as follows:

Q1	Q2	Q3	Q4
July 1, 2018	October 1, 2018	January 1, 2019	April 1, 2019

Disbursements to LCPs are contingent upon the LCP's meeting the report due dates noted above in the "Reporting Requirements" and the reports accurately reflecting the spending of the reported quarter. If an LCP fails to meet the quarterly reporting deadline, its next disbursement will be held until the following quarterly disbursement is scheduled. (For example, if the LCP misses the Q2 October 1, 2018 reporting deadline, its Q3 January 1, 2019 disbursement will be held until the Q4 scheduled disbursement date, April 1, 2019.)

### **Confidentiality/Conflict of Interest**

1. LCPs may not elicit or attempt to elicit any information from the consumer other than that pertinent to the resolution of the consumer's complaint.
2. LCP staff/volunteers may not disclose any information related to or obtained in the course of case work to any person other than the participant or the AGO, without the explicit authorization of the participant or the AGO.
  - This authorization is given by the consumer upon signing the AGO complaint.
3. Conflict of Interest: [M.G.L., Chapter 268A](#) (Conduct of Public Officials and Employees) may apply.

### **Administration of Standards and Responsibilities**

The AGO may make changes, additions, or deletions to these Standards, may dispense with them entirely, or may waive specific provisions as it deems necessary.



## **LCP Minimum Standards of Performance**

1. LCPs shall not charge consumers a fee for any services rendered under an LCP grant.
2. Any complaints sent to an LCP by the AGO in error should be brought to the attention of Elizabeth Murdock ([lcp@state.ma.us](mailto:lcp@state.ma.us)) in a timely manner, with a note indicating the reason for the return.
3. A consumer's request for assistance must be in writing and is deemed appropriate for advocacy if it is:
  - Between an individual and a for-profit business; and
  - The consumer is seeking specified relief – rescission of the contract, return of funds, etc., not general damages.
4. An LCP will not work disputes:
  - between two private parties;
  - between two businesses;
  - where any previous court judgment has been entered;
  - in which the consumer is represented by an attorney;
  - relating to a charitable organization's execution of its charitable mission (refer these to the AGO Non-Profit/Public Charities Division or a complaint may be worked if the complaint pertains to a business transaction and does not relate to the performance of the organization's charitable purpose);
  - relating to a state agency (refer these to the appropriate oversight agency, listed in the Mass State Services guide, <http://www.sec.state.ma.us/cis/ciscig/guide.html> or by calling the Mass State Service phone number, 617-727-7030).

Many of these types of cases (with the exception of complaints against a state agency or against a charity) may be appropriate for Face to Face Mediation (FTFMP). In these instances, the LCP should contact the FTFMP in its area.

## **Advocacy Process**

1. Consumer complaints may be initiated in person via walk-in, through a written complaint or letter received by mail, fax, email, e-complaint/e-form or by referral from the AGO.
2. Complaints received directly at the LCP may be referred to another appropriate agency within a timely manner. The consumer shall be notified by telephone and in writing of the referral to another agency and the reasons therefor. Where the LCP does not work a case and refers it to another appropriate agency, the case will not count toward the total number of cases worked on by the LCP should be reported as Referral – Resolution Unknown. The documentation for complaints that are referred to other resources should still include the consumer's and business's full contact information.

3. Cases shall be worked in the order in which they were received and according to the date received by the AGO or LCP, whichever is earlier.
4. Within **five (5) business days** of the receipt of any complaint (either from the AGO or made directly to the LCP), an LCP staff person or volunteer (collectively advocates) shall attempt to make an initial contact with the consumer to assess the status of the complaint and confirm any information necessary prior to commencing advocacy efforts on the case. The initial communication between an advocate and consumer should identify the LCP, provide the advocate's contact information to the consumer, and explain the services to be provided and the procedures involved. The advocate may ask the consumer for additional information or documentation at this time, such as invoices, receipts, bills, or contracts. All form letters sent to the consumer and business by the LCP must be readily available to the AGO.
5. If a consumer does not reply to the initial phone call and/or letter within **five (5) business days**, a "10-day letter" will be sent to the consumer indicating that the complaint will be closed if the LCP does not hear from the consumer within ten (10) days, and providing information about how to re-open the case in the future if the consumer so desires. The letter should direct the consumer to contact the LCP directly, not to file a new complaint with the AGO or to call the AGO Consumer Hotline. The case may be marked as closed until a further response from the consumer is received. Cases closed in this manner, where no substantive work took place, will not count toward the LCP total number of cases worked and should be reported as Unresolved – Consumer not Communicating.
6. Before contacting a merchant which is the subject of a complaint, advocates should carefully review the complaint. It is important to understand the complaint and the desired resolution prior to any attempt at advocacy. Under no circumstances shall an LCP contact the merchant in any way prior to contacting the consumer.
7. Within **two (2) business days** of a consumer indicating he or she would like to pursue resolution, an LCP staff person or volunteer must contact the merchant, explain the advocacy process, and set out a process and timeline for working through the case with the merchant. If requested, the merchant may be provided with a copy of the complaint.
8. Advocacy and resolution shall not be conducted solely through form letters.
9. Case notes should be kept in the case file for each complaint. To the extent possible, it is preferred that case notes be keyed in and kept electronically while the case is active and printed at the end. If hand-written, case notes must be legible and should include the date and content of each conversation, and/or steps taken. LCPs are expected to keep a file, either electronic or paper, which includes copies of any letters received or mailed to either the consumer or the merchant and any emails exchanged during the case. Advocates or staff should not record any **Subjective or personal opinions of the advocate concerning the case.**

10. Upon closing a case, LCP staff will complete the Closed Case .PDF document the AGO provided for that specific case. LCPs should submit the Closed Case Report no later than two weeks from the date it completes work on the case. LCPs should report the Closed Case even if the LCP opened the case locally (even if it not as a referral from the AGO). Substantive documents and scans of handwritten notes must be attached to the closed case report.
11. Referrals to Small Claims Court:
  - a. Only the consumer, not the LCP, may write the 30--day demand letter which is sent to the merchant prior to the filing of a claim in Small Claims Court. The letter may not be printed on the letterhead stationery of the LCP. The LCP may supply a template letter for language purposes.
  - b. If the consumer is requesting the assistance of a private attorney, the LCP may refer the Consumer to the Massachusetts Bar Association Lawyer Referral Service at (617) 542-9103/ (800) 392-6164, the Boston Bar Association's Lawyer Referral Service at (617) 742-0625, or other local or county bar association referral services. Consumers should not be referred to individual attorneys.

#### **Closed Case Records Retention**

One month after the end of the grant year, LCPs shall complete an inventory of all closed cases. LCPs must use the template box inventory document provided by the AGO to log the inventory of each box. It is highly recommended that this inventory be updated throughout the year as files are closed, so this requirement does not become an administrative burden at the end of the grant.

Boxes of closed cases shall be organized in the following manner:

1. By the calendar year in which the consumer complaint was closed.
2. By Merchant name.
3. By Consumer Last name within the merchant grouping (if there is more than one by that Merchant name).

*Example:*

